

Registered Geologists and Registered Environmental Assessors – A Comparison and Update

Presented by

Tony V. Sawyer, RG, CEG, CHG
County of San Diego, DEH, LUEG, SAM

Geologists and Geophysicists Act

- In 1968, the act was passed in response to several devastating landslides which occurred in the Los Angeles area.
- Established a Board in the Department of Consumer Affairs for the licensing of geologists, geophysicists and associated specialties.
- This is a **practice act**: in order to practice geology and its sub-disciplines for others, one **must** be licensed by the State Board for Geologists. Cannot use a title implying licensure or registration unless properly licensed.

Geologists and Geophysicists Act (cont'd)

- Provided for certifications in specialties in the licenses of geology and geophysics.
- Current specialties are Engineering Geology and Hydrogeology.
- These are **title acts**: in order to use the titles Certified Engineering Geologist or Certified Hydrogeologist, one **must** be licensed by the State Board for Geologists.
- Requires additional testing.

Geologists and Geophysicists Act (cont'd)

- Last year, Assembly Bill 269 (Correa) added:
- “7810.1. Protection of the public shall be the highest priority for the Board for Geologists and Geophysicists in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”

Environmental Quality Assessment Act of 1986

- Established to provide guidance for performing environmental assessments of hazardous materials sites.
- Called for the **voluntary listing** of persons with adequate knowledge to perform assessments (REAs).
- Specifically **forbade** REAs from practicing geology unless they were also Registered Geologists.

Senate Bill 1011

- Signed by Governor Davis on September 17, 2002.
- Moved REA Program from Office of Environmental Health Hazard Assessment (OEHHA) to Department of Toxic Substances Control (DTSC)

Qualifications for Geologists

- Must have a Bachelor's degree in Geology from an accredited college or university.
- Must have a minimum of three years experience (with a Masters) working directly under an RG.
- Must pass an exam on fundamentals of geology, the practice of geology and California specific geologic and environmental regulations.
- Must comply with Code of Professional Conduct as stated in California Code of Regulations.

Qualifications for REA Is

- Minimum of two years of experience in successfully assisting businesses, government agencies, or labor organizations in the assessor's general field of expertise.
- Recommendations from clients, colleagues, and professional associations.

Qualifications for REA Is (cont'd)

- Skills or expertise that represent an area of specialty within a field, such as professional engineering or engineering geology, for which the state now offers a certification, licensing, or registration process.
- Pertinent specialized certification, licensing, or registration programs offered by professional associations or other private sector organizations.

Qualifications for REA Is (cont'd)

- Specific areas of expertise: underground tank checks or removal, small generator waste reduction, recycling, treatment, and disposal, prevention and control of air emissions and water releases, risk assessment and risk reduction recommendations, or occupational safety and health reviews, etc.

Qualifications for REA IIs

- Be an REA I
- Possess a bachelor of science degree from an accredited college or university in a physical or biological science, engineering, or a related field.
- Have a minimum of eight years of professional-level environmental experience, acquired within the last 10 years, of which four years shall be professional-level site mitigation experience acquired within the last six years.

Qualifications for REA IIs (cont'd)

- Professional-level site mitigation experience shall be determined in part by at least four references, named by the REA II applicant, with professional-level site mitigation experience. At least one reference shall be from a qualified representative of a lead agency with regulatory authority over the cleanup work at a hazardous substance or hazardous waste release site at which the REA II applicant acted as project manager.

Annual Fees for Geologists

- Currently, \$100 for Registered Geologists and Geophysicists
- Currently, \$50 for each specialty certification (Engineering Geologist and Hydrogeologist)

Annual Fees for REAs

- Currently at legislative limit of \$100 for REA I
- Currently, \$275 for REA II, can be raised to as high as \$500. This is in addition to the REA I fee.
- Anticipate fee increases under new budget.

Scope of Practice for Geologists

- Anything that requires the application of geological principles or interpretation that is provided to others for their use.
- The only exceptions are for Registered Civil Engineers (RCEs) performing civil engineering and Registered Petroleum Engineers performing petroleum engineering.

Scope of Practice for REAs

- As the REA Program is only a voluntary title system, there is no scope of practice designated in State code.
- State law does indicate that an REA II can perform school site assessment work (excluding geology or engineering), but so can an RG or RCE.

Limitations on Practice for Geologists

- Shall only provide services that are within their area of expertise.
- **May not** use their stamp on documents that don't contain geologic content.
- May perform same school site work as REA IIs and may perform the geology as well.

Limitations on Practice for REAs

- Phase I work can be performed by anyone.
- List of REAs is to provide a guide to consumers
- REA IIs can provide selected services on school sites.
- REAs **may not** provide geological services or engineering services unless they are also appropriately licensed RGs or PEs.

Size of BGG Program

- About 7000 RGs & RGPs
- 4 Staff, including Executive Officer
- Annual Budget of \$786,000 paid by fees, fines, and court-ordered cost recovery
- Overseen by an 7 person Board consisting of 4 public members, 2 RGs and 1 RGP

Size of REA Program

- About 3400 REA Is
- About 200 REA IIs, ~50% of which are also RGs or PEs
- Previously: 4 staff, 2 administrators (which had other OEHHA duties as well)
- Fees went into the General Fund
- Program funded from the General Fund as an independent line item.

Enforcement by BGG

- In 2002, the BGG has received more than \$33,750 in fines and court ordered payments. Thirteen individuals have been cited.
- 4 RGs for incompetence
- 1 RGP for incompetence, aiding and abetting, license surrendered, \$18,500 fine
- 6 REAs for unlicensed practice
- 2 Individuals for unlicensed practice

Enforcement by OEHHA

- None
- In 2002, OEHHA requested that any agency that has a problem with an REA not turn them in to the BGG or BPELS, but file a complaint with OEHHA.
- Cases that have been referred to OEHHA by BGG or BPELS have received no action.

Enforcement by DTSC

- Authorized to review work of REA I's & II's
- Only time will tell

Future of BGG

- The Joint Legislative Sunset Review Committee uses BGG as an example of how to run a Board.
- Program funding is from fees, so is self-supporting.
- Currently re-authorized through 2007.

Future of REA Program

- As of January 1, 2003, the program was transferred from OEHHA to DTSC.
- Maximum of \$70,000 (less moving costs) was transferred to DTSC to run program. Program has no other funding until July 1, 2003.
- All fees collected to be deposited in the Environmental Quality Assessment Fund (EQAF). Budget to come from EQAF, but requires annual appropriation from the Legislature.

County Acceptance of Work

- SAM's contract with the Underground Storage Tank Cleanup Fund requires that all reports submitted to our department comply with state law.
- Any reports or documents that contain geologic interpretation that are not signed by an RG or RCE are forwarded to the BGG for enforcement action.

County Oversight of Geological Work

- In order to provide proper oversight of geological work, government agencies are required to have RGs in responsible charge of reviews and interpretations.
- SAM has two RGs/CHGs providing technical review for 15 staff, two of which are also RGs.

References

- Board for Geologists and Geophysicists - <http://www.dca.ca.gov/geology/>
- Registered Environmental Assessor Program - <http://www.dtsc.ca.gov/rea/index.html>
- Tony Sawyer – (619) 338-2289, e-mail tony.sawyer@sdcounty.ca.gov